

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

www.dnr.mo.gov

July 22, 2005

Ms. Diana Fox
St. Louis County Library
Bridgeton Trails Branch
3455 McKelvey Road
Bridgeton, MO 63044

RE: Midwest Oil Refining Company, St. Louis, Missouri

Dear Ms. Fox:

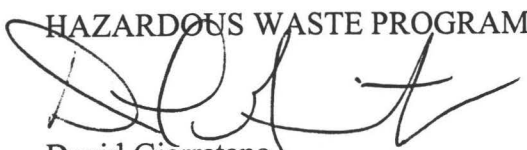
This letter is to notify you that the Missouri Department of Natural Resources has received and reviewed a variance petition from Midwest Oil Refining Company, St. Louis, Missouri. The department submitted a recommendation to the Missouri Hazardous Waste Management Commission recommending that the Commission approve the variance. A copy of the variance petition, the department's recommendation, the legal notice, and the landowner letter are included with this letter.

The department is requesting that these documents be made available for public viewing at your library. Please allow the public to review the information, make copies, etc.; however, this information should not be removed from the library.

Thank you for your cooperation in this matter. If you have any questions, please contact me at (573) 751-2246 or 1-800-361-4827, or in writing at the Missouri Department of Natural Resources, Hazardous Waste Program, Compliance/Enforcement Section, P.O. Box 176, Jefferson City, Missouri 65102-0176.

Sincerely,

HAZARDOUS WASTE PROGRAM


David Giarratano
Chief
Special Facilities Unit

DG:cah

Enclosures

c: Ms. Julia E. Lamborn-Gettiner, Midwest Oil
Refining Company
✓ Ms. Beth Koesterer, USEPA, Region 7
St. Louis Regional Office

454922



RCRA RECORDS



REC'D
JUL 25 2005
RESP

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

www.dnr.mo.gov

July 22, 2005

RE: Midwest Oil Refining Company, St. Louis, Missouri

Dear Landowner/Concerned Citizen:

This letter is to notify you that the Missouri Department of Natural Resources has received and reviewed a variance petition from Midwest Oil Refining Company. The department submitted a recommendation to the Missouri Hazardous Waste Management Commission recommending that the Commission approve the variance. A copy of the department's letter to the Commission and a legal notice are included with this letter.

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Sincerely,

HAZARDOUS WASTE PROGRAM



David Giarratano
Chief
Special Facilities Unit

DG:cah

Enclosures

c: Ms. Julia E. Lamborn-Gettiner, Midwest Oil
Refining Company
✓ Ms. Beth Koesterer, USEPA, Region 7
St. Louis Regional Office

REC'D
JUL 25 2005
RESP

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

www.dnr.mo.gov

July 22, 2005

The Honorable Bob Dody
Mayor, City of Overland
9119 Lackland Road
Overland, MO 63114

RE: Midwest Oil Refining Company, St. Louis, Missouri

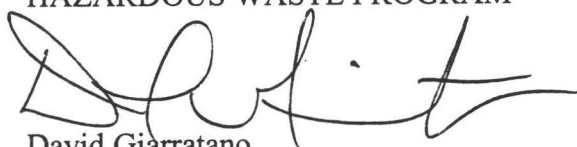
Dear Mayor Dody:

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HAZARDOUS WASTE PROGRAM



David Giarratano
Chief
Special Facilities Unit

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Enclosures

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Refining Company
✓ Ms. Beth Koesterer, USEPA, Region 7
St. Louis Regional Office

REC'D

JUL 25 2005

RESP

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

www.dnr.mo.gov

July 22, 2005

The Honorable Charles A. Dooley
County Executive, St. Louis County
41 South Central Street
St. Louis, MO 63105

RE: Midwest Oil Refining Company, St. Louis, Missouri

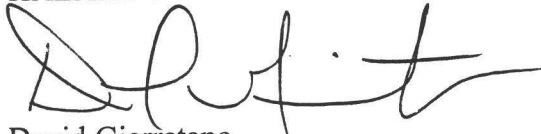
Dear Mr. Dooley:

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Sincerely,

HAZARDOUS WASTE PROGRAM



David Giarratano
Chief
Special Facilities Unit

DG:cah

Enclosures

c: Ms. Julia E. Lamborn-Gettiner, Midwest Oil
Refining Company
Ms. Beth Koesterer, USEPA, Region 7
St. Louis Regional Office



REC'D
JUL 25 2005
RESP

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

www.dnr.mo.gov

July 22, 2005

Mr. Michael Danishevsky, President
Dar-Beck, Incorporated
1850 Walton Road
Overland, MO 63114

RE: Midwest Oil Refining Company, St. Louis, Missouri

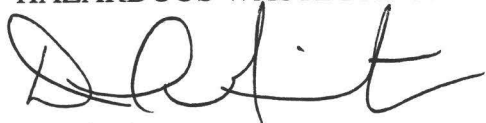
Dear Landowner/Concerned Citizen:

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Sincerely,

HAZARDOUS WASTE PROGRAM



David Giarratano
Chief
Special Facilities Unit

DG:cah

Enclosures

c: Ms. Julia E. Lamborn-Gettiner, Midwest Oil
Refining Company
Ms. Beth Koesterer, USEPA, Region 7
St. Louis Regional Office



REC'D
JUL 25 2005
RESP

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

www.dnr.mo.gov

July 22, 2005

Mr. Allen Kaufman
Accurate Machine & Manufacturing
1950 Walton Road
Overland, MO 63114

RE: Midwest Oil Refining Company, St. Louis, Missouri

Dear Landowner/Concerned Citizen:

This letter is to notify you that the Missouri Department of Natural Resources has received and reviewed a variance petition from Midwest Oil Refining Company. The department submitted a recommendation to the Missouri Hazardous Waste Management Commission recommending that the Commission approve the variance. A copy of the department's letter to the Commission and a legal notice are included with this letter.

If you have any questions, please contact me at (573) 751-2246 or 1-800-361-4827, or in writing at the Missouri Department of Natural Resources, Hazardous Waste Program, Compliance/Enforcement Section, P.O. Box 176, Jefferson City, Missouri 65102-0176.

Sincerely,

HAZARDOUS WASTE PROGRAM



David Giarratano
Chief
Special Facilities Unit

DG:cah

Enclosures

c: Ms. Julia E. Lamborn-Gettiner, Midwest Oil
Refining Company
Ms. Beth Koesterer, USEPA, Region 7
St. Louis Regional Office



REC'D
JUL 25 2005
RESP



Matt Blunt, Governor • Doyle Childers, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

July 22, 2005

Mr. Jerry Ullman
Federal Gateway Moving & Storage
1975 Walton Road
Overland, MO 63114

RE: Midwest Oil Refining Company, St. Louis, Missouri

Dear Landowner/Concerned Citizen:

This letter is to notify you that the Missouri Department of Natural Resources has received and reviewed a variance petition from Midwest Oil Refining Company. The department submitted a recommendation to the Missouri Hazardous Waste Management Commission recommending that the Commission approve the variance. A copy of the department's letter to the Commission and a legal notice are included with this letter.

If you have any questions, please contact me at (573) 751-2246 or 1-800-361-4827, or in writing at the Missouri Department of Natural Resources, Hazardous Waste Program, Compliance/Enforcement Section, P.O. Box 176, Jefferson City, Missouri 65102-0176.

Sincerely,

HAZARDOUS WASTE PROGRAM

David Giarratano
Chief
Special Facilities Unit

DG:cah

Enclosures

c: Ms. Julia E. Lamborn-Gettiner, Midwest Oil
Refining Company
Ms. Beth Koesterer, USEPA, Region 7
St. Louis Regional Office



REC'D
JUL 25 2005
RESP

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

www.dnr.mo.gov

July 21, 2005

BY FACILIMILE (314) 754-5955

Mr. Jason Dunker
Riverfront Times
6358 Delmar Blvd., Suite 200
St. Louis, MO 63130

Dear Mr. Dunker:

Enclosed for publication is a legal notice (similar to the one published on September 22, 2004), which announce that the Missouri Department of Natural Resources received and reviewed a variance petition from Midwest Oil Refining Company. The department submitted a recommendation to the Missouri Hazardous Waste Management Commission recommending that the commission approve the variance. Please publish this notice once, in the Riverfront Times in the area reserved for legal notices, on the following date: Wednesday, August 3, 2005.

Before publication, please fax me a copy of your typeset for proofing and an estimated cost of publication. My fax number is (573) 526-5268.

After publication, please complete and mail to me, for our files, an affidavit and certification of publication, along with the actual page of newspaper the legal notice appeared, to:

Ms. Cheryl Heet
Missouri Department of Natural Resources
Hazardous Waste Program
Compliance/Enforcement Section
P.O. Box 176
Jefferson City, MO 65102-0176

Also, please mail the payment invoice, along with a copy of the affidavit, to:

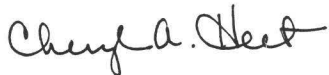
Ms. Anne Mueller
Missouri Department of Natural Resources
Hazardous Waste Program
Budget and Planning Section
P.O. Box 176
Jefferson City, MO 65102-0176

Mr. Jason Dunker
July 21, 2005
Page Two

Thank you for your cooperation in this matter. If you have any questions, please contact me at (573) 751-7560 or 1-800-361-4827. Thank you.

Sincerely,

HAZARDOUS WASTE PROGRAM



Cheryl A. Heet
Clerical Unit Chief
Compliance/Enforcement Section

CAH

Enclosure

c: ORIGINAL ALSO SENT VIA REGULAR MAIL
Ms. Julia E. Lamborn-Gettinger,
Midwest Oil Refining Company
Ms. Beth Koesterer, USEPA, Region 7
St. Louis Regional Office

**MISSOURI DEPARTMENT OF NATURAL RESOURCES
RECOMMENDS APPROVING VARIANCE FOR
MIDWEST OIL REFINING COMPANY**

The Missouri Department of Natural Resources (MDNR) received a variance petition from Midwest Oil Refining Company (Midwest) on May 20, 2005. MDNR reviewed the variance petition (petition) and determined it to be a non-substantive variance. MDNR recommends that the Hazardous Waste Management Commission (HWMC) approve the petition. The public is invited to review the petition and MDNR's recommendation.

Midwest is an active used oil transporter, located at 1900 Walton Road, St. Louis, Missouri. Midwest has been in business since 1936 and has held a license for used oil transportation since 1980.

In order to transport used oil in the state of Missouri, a company must apply for a hazardous waste transporter license and submit the appropriate fees. If the HWMC approves the petition, Midwest would be given a one-year relief from the current fee formula for the year beginning June 30, 2005, and would be required to pay under the previous fee structure. Midwest had requested and was granted a variance from the HWMC relieving it from paying part of their license fee for the year beginning June 30, 2004.

A copy of Midwest's petition can be viewed and copied at the following locations:

St. Louis County Library
Bridgeton Trails Branch
3455 McKelvey Road
Bridgeton, Missouri
Hours: 9:00 a.m. to 9:00 p.m. - Monday through Thursday
9:00 a.m. to 5:00 p.m. - Friday and Saturday

A copy may also be viewed by appointment at either of the following MDNR offices:

St. Louis Regional Office
7545 South Lindbergh Boulevard, Suite 210
St. Louis, Missouri
Phone: (314) 416-2960

Hazardous Waste Program
1738 East Elm Street (lower level)
Jefferson City, Missouri
Phone: (573) 522-3345

Anyone who objects to the approval of the variance may request a public hearing by filing a hearing request within 30 days of this notice to Mr. David Giarratano, MDNR, Hazardous Waste Program, Compliance/Enforcement Section, P.O. Box 176, Jefferson City, Missouri 65102-0176.

If no public hearing is requested, the HWMC can decide on the matter no sooner than 30 days from the date of MDNR's recommendation. For more information, please contact Mr. Giarratano at 1-800-361-4827 or (573) 751-2246.

STATE OF MISSOURI Matt Blunt, Governor • Doyle Childers, Director
DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

JUL 20 2005

Hazardous Waste Management Commissioners

RE: Variance Order Case No. HW-05-2V
Midwest Oil Refining Company
1900 Walton Road
St. Louis, Missouri 63114

Dear Commissioners:

Enclosed is a copy of Midwest Oil Refining Company's request for a variance. The department has reviewed the variance petition and determined it to be a non-substantive petition. The department recommends that the Commission approve the transporter's variance request as outlined in the attachments to this letter. If no request for a public hearing is received within 30 days of the posting of the notice, the department plans to request that the Commissioner's sign the petition for the variance at its meeting on October 11, 2005. A draft petition is enclosed pursuant to Section 260.405, RSMo. The department intends to introduce this as an information only item at the Commission meeting on August 11, 2005.

If you have any questions, or would like more information, please contact Mr. David Giarratano, of my staff, at (573) 751-2246 or me at (573) 751-2747, or at the Missouri Department of Natural Resources, Hazardous Waste Program, P.O. Box 176, Jefferson City, Missouri 65102-0176.
Thank you.

Sincerely,

HAZARDOUS WASTE PROGRAM



Robert Geller
Interim Director

RG:dgh

Enclosures

c: Ms. Kara Valentine, Air and Land Protection Division,
Missouri Department of Natural Resources
Ms. Shelley Woods, Attorney General's Office

MIDWEST OIL REFINING CO.

1900 WALTON ROAD
ST. LOUIS, MO 63114

RECEIVED

MAY 2 2 005

DEDICATED TO CONSERVATION
RESOURCE RECOVERY &
ENVIRONMENT PROTECTION
SINCE 1936

(314) 427-2662
PRESIDENT
GLEN A. GETTINGER

Dave Giarratano, Director
Hazardous Waste Program
Compliance and Enforcement Section
P. O. Box 176
Jefferson City, MO 65102

May 18, 2005

Dear Mr. Giarratano:

Midwest Oil Refining Company requests variance for reduction of transporter fees. As we have discussed, the changes in the license program mandated by Senate Bill 577 have raised our fee schedule for 3 trucks from \$300.00 before the change to the current calculated fee of \$3,719.00 for the 2005 fees.

I know you are aware of the inequities and punitive results of SB 577. Due to the fact that Midwest Oil only drives in state and that the fees are calculated on number of loads (and under the system partial loads are counted as a total load which results in throwing Midwest Oil into a higher category), gross weight of trucks and number of miles driven, Midwest Oil is especially penalized. You are aware that the Hazardous Waste Commission granted variance for 2004 and gave every indication that variance would be granted for 2005. I am enclosing the \$50.00 fee for filing a variance and to set this process in motion.

Due to the sensitive nature of this correspondence, I ask for confidentiality as applicable for this matter. Please feel free to contact me at 314-731-3561 or Cell: 314-401-0397.

Thank you for your assistance and understanding.

Sincerely,



Julia E. Lamborn-Gettenger
Midwest Oil Refining Company.

MISSOURI DEPARTMENT OF NATURAL RESOURCES' RECOMMENDATION ON
MIDWEST OIL REFINING COMPANY VARIANCE PETITION ENF-05-1V TO THE
HAZARDOUS WASTE MANAGEMENT COMMISSION

Introduction

Midwest Oil Refining Company (Midwest Oil), 1900 Walton Road, St. Louis, Missouri, has requested a variance from Missouri Hazardous Waste Management Regulation 10 CSR 25-12.010(2)(C). The variance request was received May 20, 2005, and was evaluated by the department as required by 10 CSR 25-8.124(5)(B). Midwest Oil is in the recycling business. It hauls only used oil, antifreeze, and kerosene. It has held a Missouri Hazardous Waste Transporter License since 1980, renewing the license annually. From 1997 to 2002, the company's yearly license fee was \$300. Midwest Oil requested and was granted a variance relieving it from paying \$3,322 of the \$3,623 license fee for its new license year beginning June 30, 2004. This variance petition, if granted by the Hazardous Waste Management Commission (Commission), would give Midwest Oil another one-year variance relieving it from the \$3,419 of the \$3,719 license fee calculated for its new license year beginning June 30, 2005. Midwest Oil has paid \$300 for its license for the year beginning June 30, 2005.

Background

Midwest Oil has been in business since 1936 and currently employs six people. It is a used oil refiner and transporter. This small company maintains that it cannot afford the sudden increase in its transporter license annual fees from \$300 under the old per-vehicle calculation (which was in effect until September 2002) to \$3,454 in 2003, \$3,623 in 2004, and \$3,719 in 2005. The latter fees were calculated using total licensed vehicle weight, percentage of company miles in Missouri, and percentage of Missouri loads that are hazardous waste. The company has written that it had to borrow the money in 2003 to pay the license fee but is unable to do so this year. Yet, without the license, the company cannot comply with the regulation requiring full payment of the fee for a transporter license. A hazardous waste transporter license is required to transport used oil.

Because Midwest Oil drives all its miles in Missouri, and because most of the company's loads are hazardous waste, the state mileage and hazardous waste load percentages are very high, resulting in a more than tenfold increase in transporter fees. This is especially hard on a small company whose total yearly mileage of all three trucks combined is only 17,910 miles – about what an average person drives in his own car in a year.

Since Midwest Oil's hazardous waste transporter license was due to expire on June 30, 2005, the department's Hazardous Waste Program (HWP) agreed to accept \$300 temporarily as the renewal license fee pending the Commission's decision on the variance. Payment was made, and the company's transporter license has been renewed, with the possibility of more money due.

The department has determined that this variance petition is "non-substantive" based on state statutory and regulatory criteria. All public notification procedures will be completed. The department is submitting this recommendation to the Commission as required by 10 CSR 25-8.124(5)(C).

Recommendation

The HWP has fully investigated the variance request. This request is a variance from payment of the hazardous waste transporter fee, which is currently calculated based on vehicle weight, percentage of miles in Missouri, and percentage of loads that are hazardous waste. Midwest Oil has paid its previous rate of \$300 and requests a variance from payment of the balance of \$3,419 of the current rate of \$3,719. Midwest Oil has provided the department with sufficient evidence

of its inability to pay the calculated fee of \$3,719. The department had previously reviewed three years of the company's tax forms and schedules to make a determination. Granting this variance will not permit the occurrence or continuance of a condition that unreasonably poses a present or potential threat to the health of humans or other living organisms. The new license fee calculation structure was never intended to place an unbearable financial burden on any company, or cause a company to go out of business. Moreover, there is a need for used oil recyclers and haulers in the state. Midwest Oil is caught in a situation that is not of its own making, which is not the department's aim. Therefore, the department recommends that the Commission grant Midwest Oil's variance petition for a period of one year.